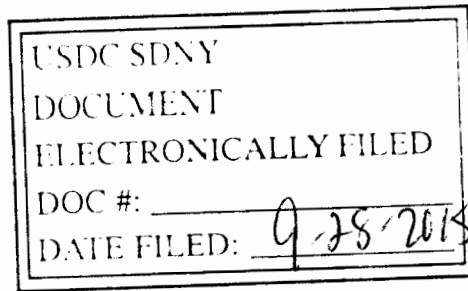


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MEMO ENDORSED

September 25, 2015

BY ECF

Hon. Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Courtroom: 12D
New York, NY 10007-1312

Re: Tiffany and Co. v. Costco Wholesale Corp.
Case No. 1:13-cv-1041-LTS-DCF

Dear Judge Swain:

We write as counsel for Costco to request an adjournment of the Final Pretrial Conference currently scheduled for October 30, 2015. This past Monday, September 21, we wrote to Plaintiffs' counsel seeking their position with respect to the proposed adjournment but have not yet received a response. Two circumstances prompt our request.

First, the Tokyo IP Inn of Court (a counterpart to our own William C. Conner Inn of Court) has invited the undersigned to address that group on October 29, 2015, and to give a lecture tentatively entitled "On the Meaning of 'Patented Invention.'" The Tokyo Inn is convening a special meeting for this lecture, in between its regularly scheduled meetings. Our Inn is very honored by this invitation. We would be very grateful if the Court could adjourn the Final Pretrial Conference so as to accommodate this Tokyo speaking commitment.

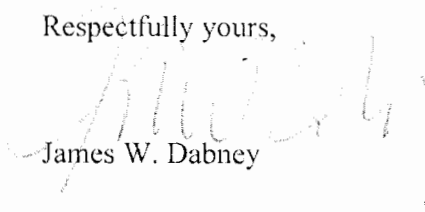
Second, the Court may know that on September 15, 2015, Costco filed a notice of appeal from the Court's summary judgment order dismissing Costco's counterclaim. Costco has moved for expedited briefing and argument of its appeal (see enclosed courtesy copy of motion); for their part the Plaintiffs have moved to dismiss Costco's appeal for alleged lack of appellate jurisdiction. Both sides have argued to the Second Circuit that the merits of the questions raised by Costco's appeal are inextricably interwoven with liability issues that this Court determined in its summary judgment ruling, such that the two proceedings ought not proceed concurrently.

On September 23, 2015, the Second Circuit issued an order referring Costco's emergency motion to expedite to the same panel that will decide the Appellees' motion to dismiss. It is reasonable to expect that the Second Circuit will promptly issuing a ruling on whether Costco's appeal will proceed. In these circumstances, Costco respectfully submits that any trial of this action should await the Second Circuit's ruling on whether Costco's counterclaim was rightly dismissed.

Hence we respectfully suggest that the Final Pretrial Conference should be adjourned to a date not less than 60 days from the date when the Second Circuit disposes of Costco's Appeal No. 15-2916. In the alternative, we respectfully request an adjournment of at least 2 weeks so as to accommodate the Tokyo speaking commitment described above.

We very much appreciate Your Honor's consideration of the above.

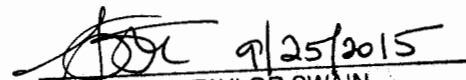
Respectfully yours,


James W. Dabney

cc: Jeffrey A. Mitchell, Esq.

*The final pretrial conference is
adjourned to November 10, 2015,
at 3:30 pm.*

SO ORDERED:


HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE